

REMARKS/ARGUMENTS

This paper is filed responsive to the Office Action mailed July 8, 2009. Claims 1-18 are pending in the application. Claims 1-16 have been withdrawn. Applicants request reconsideration and reexamination of the application.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al (US 2002/0143348) in view of Pinchuk et al (US 2002/0107330).

This rejection is respectfully traversed. This rejection is the same as the one that Applicant responded to on September 11, 2008. For the sake of brevity in this Request for Reconsideration, Applicant's hereby incorporate by reference the remarks/arguments that Applicant made in their September 11, 2008 Response.

In addition, Applicant's respectfully point out that the principle reference to Wallace does not teach or suggest a bioactive agent disposed on an embolic support member. Thus, it follows that Wallace does not teach or suggest a barrier to prevent a reaction between the bioactive agent and a bodily fluid. This is simply because there is no bioactive agent to protect. Wallace is disclosing a liquid that turns into a solid. See Paragraph #23. Applicant's respectfully request the Examiner to identify the embolic support member in Wallace that is to have a bioactive agent disposed thereon and then have a barrier applied to prevent a reaction between the bioactive agent and a bodily fluid? Is it the liquid? Or is it the solid formed from the liquid, which is implanted?

Pinchuk discloses a stent or a catheter that comprises a therapeutic-agent-loaded copolymer that can be covered by a sheath during insertion into the body to prevent premature therapeutic agent release. See Paragraph #183. Pinchuk includes no teaching or suggestion of a bioactive agent and a barrier that is to be dissolved. Thus, for this additional reason, the combination of Wallace and Pinchuk fails to render the present invention obvious.

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Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750.

Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and early notice of allowance. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney by telephone.

Respectfully submitted,

By: /Eugene L. Szczecina, Jr./
Eugene L. Szczecina, Jr.
Reg. No. 35029

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1479
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